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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,960	02/20/2001	Michael L. Schweiss	S339.12.2	2940

7590

09/25/2002

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EXAMINER

JOHNSON, BLAIR M

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 09/25/2002

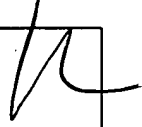
Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,960

Applicant(s)

SCHWEISS, MICHAEL L. 

Examiner

Blair M. Johnson

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 13-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 13-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 3634

Claim Rejections - 35 USC § 103

Claims 1-5 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller '914 in view of either Ballyns et al or Horn.

Keller discloses the panels, an operating cord being anchored to the top panel and wound about a shaft 42 and sleeve 46 which are driven by a motor 40. What Keller does not show is a web. However, while a web is considered to be the full mechanical equivalent of the cable 48 in Keller, Ballyns et al (at 70) and Horn (in column 4, lines 46-50) are further cited to teach such as being old. The webs permit a more controlled wind up than a cable since the web does not move laterally on the spool as does a cable as it winds thereon. In view of this teaching, it would have been obvious to modify Keller whereby he ^suses a web instead of a cable. It is inherent that the speed at which the door opens and closes will be affected, i.e. accelerated and decelerated, respectively, by the winding of the web on ^{AND OFF} the spool. The particular kind of web is considered to be an obvious matter of choice of design as each of the material recited are well known and have particular features which render them useful.

Claims 13,14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller '914 in view of either Ballyns et al or Horn as applied above, and further in view of Bonacina.

Providing a shield for any cable, web, etc., collected on a winch is well known as illustrated by Bonacina at 4, such a shield preventing the cable, web, etc., from coming off of the winch, preventing detritus from foiling the winch, etc. Based on these teaching, it would have been obvious to modify Keller to have such a shield.

Art Unit: 3634

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keller '914 in view of either Ballyns et al or Horn and Bonacina as applied above, and further in view of Spangle.

Spangle discloses a rigid rod E to attach a web to a winch, such providing a structurally sound method for such an attachment which balances the load on the winch. In view of this teaching, it would have been obvious to modify Keller whereby his web, as applied by Ballyns et al or Horn, is so mounted to sleeve 46.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keller '914 in view of either Ballyns et al or Horn and Bonacina as applied above, and further in view of Sanders.

Sanders discloses a means 24,25, for adjusting the end of an anchored portion of a door operating cable. In view of this teaching, it would have been obvious to modify Keller whereby his anchored end 50 has such an adjustment feature to permit adjusting the cable/web.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

The alleged point of novelty is the use of a flexible web, or belt, instead of a cable. The limitations regarding the increasing and decreasing rate of opening and closing of the door is merely an inherent function of the use of the web which overlaps as it is wound onto a winch spool. There are several reasons why one would choose to use a web. While some reasons are incidental to the "increase/decrease speed" phenomenon, another reason apparent to one of ordinary skill in the art is precisely to

Art Unit: 3634

take advantage of this known event. In this regard, it is easily seen that the forces on the cable/web decrease as the bifold door is raised to it's open position. Consequently, as a greater diameter of wound belt is achieved as the door is raised, more torque on the winding drum is required to wind up the web but the force thereon is decreased. This is acknowledge by Ballyns et al in relation to his belts 70 and spools 46. Webs have other advantages alluded to above, including a more controlled winding over a cable which must be permitted to shift laterally on the spool and which also susceptible to "pinching" or "binding", i.e. one layer of cable interfering with another layer of cable and preventing it from smoothly coming off of the spool. Ballyns et al and Horn are merely cited to show the established use of webs in opening and closing door. The declaration by the Inventor is appreciated. However, while the sales figures are significant, there is no nexus between increased sales and the point of novelty of the present invention. For such a statement to be persuasive, it must be clear from the facts that the alleged invention is solely responsible for the increase in sales. This has not been established. Regarding Spangle, it is not significant to the teachings to be derived from Spangle that the spindle C does not rotate. What is gleaned from Spangle, as presented above, is the mere attachment of the web to the rotatable spool or drum I,D.

Specification

The disclosure is objected to because of the following informalities: Notch 86 is not shown in Fig. 11 as disclosed.

Appropriate correction is required.

Drawings

The drawings are objected to because notch 86 is not shown in Fig. 11 as disclosed. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 9-10-02 have been disapproved because they introduce new matter into the drawings. 37 CFR 1.121(a)(6) states that no amendment may introduce new matter into the disclosure of an application. The original disclosure does not support the showing of the sleeve engaging the side plates 79 and 81.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (703) 308-0526. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

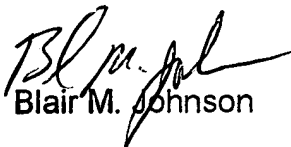
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.

Application/Control Number: 09/783,960

Page 6

Art Unit: 3634


Blair M. Johnson

Primary Examiner
Art Unit 3634

BMJ

September 23, 2002